

United States Senate

WASHINGTON, DC 20510

September 18, 2019

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Barr:

We write to strongly oppose your Department's antitrust investigation into the automakers that recently reached a voluntary agreement with California regarding auto emissions standards.

We understand the Department of Justice's Antitrust Division recently opened an investigation into Ford, Honda, BMW and Volkswagen after they reached a voluntary agreement with California. As you know, two Federal District Courts have upheld California's specific statutory authority under the *Clean Air Act* to set more stringent vehicle emissions standards.

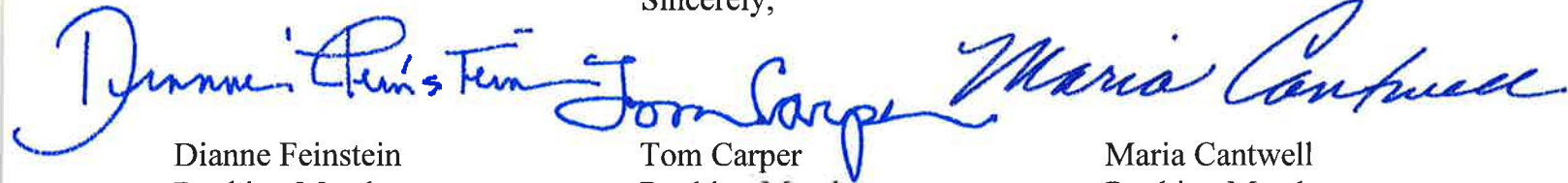
When the voluntary agreement was first announced, the Administration did not indicate any legal concerns with the voluntary agreement. To the contrary, the Department of Transportation said the upcoming roll-back of the existing vehicle emissions standards "does not prevent manufacturers from building more-efficient vehicles if they so choose." Additionally, the automakers' emissions agreement with California will save consumers money, help confront climate change, and provide needed regulatory certainty to the industry. This is a common-sense agreement that the Trump Administration and other automakers should support.

Yet the following month, the Department of Justice's top anti-trust official, Makan Delrahim, sent letters to these automakers saying that the agreement "may violate federal antitrust laws." This investigation appears to be nothing more than a politically motivated act of intimidation to discourage additional automakers from joining the agreement. Press reports also indicate that another auto company was poised to join the agreement but, after learning of this investigation, has since suspended talks.

We note that automakers recently reached a similar voluntary industry agreement to add rear seat reminder systems to Model Year 2025 vehicles—yet this industry agreement was met with praise from the Trump administration, not an antitrust investigation.

We request that you respond with all documents, including emails, memos, and letters, related to the decision to proceed with this baseless investigation.

Sincerely,



Dianne Feinstein
Ranking Member
Senate Committee on
the Judiciary

Tom Carper
Ranking Member
Senate Committee on
Environment and Public Works

Maria Cantwell
Ranking Member
Senate Committee on
Commerce